

II. REMARKS

The Examiner is requested to reconsider the application in view of the foregoing amendment and the following remarks. Generally, it is believed that the amendment adds no new matter.

Claims 1-5, 17-19, 28, 29, 32, 33, 35, 36, 47, and 48 have been rejected pursuant to 35 USC Sec. 102. The Examiner contends that these claims are anticipated by Wilcox for reasons more precisely stated in the Office Action.

Claims 3, 6, 24-27, 30, 34, and 37 have been rejected pursuant to 35 USC Sec. 103(a). The Examiner contends that these claims are obvious over Wilcox, in view of Pettit, for reasons more precisely stated in the Office Action.

Claims 7, 8, 38, 39 and 37 have been rejected pursuant to 35 USC Sec. 103(a). The Examiner contends that these claims are obvious over Wilcox, in view of Atkins, for reasons more precisely stated in the Office Action.

Claims 9-15, and 40-46 have been rejected pursuant to 35 USC Sec. 103(a). The Examiner contends that these claims are obvious over Wilcox, in view of Atkins, for reasons more precisely stated in the Office Action.

Claims 16 and 23 have been rejected pursuant to 35 USC Sec. 103(a). The Examiner contends that these claims are obvious over Wilcox, in view of Ogilvie, for reasons more precisely stated in the Office Action.

Claims 20-22 have been rejected pursuant to 35 USC Sec. 103(a). The Examiner contends that these claims are obvious over Wilcox, for reasons more precisely stated in the Office Action.

Claim 31 has been rejected pursuant to 35 USC Sec. 103(a). The Examiner contends that this claim is obvious over Wilcox, in view of Sullivan, for reasons more precisely

stated in the Office Action.

Claims 24 and 49 have been rejected pursuant to 35 USC Sec. 103(a). The Examiner contends that these claims are obvious over Wilcox, in view of Oppenheimer, for reasons more precisely stated in the Office Action.

In response, to the extent that the foregoing rejections are not rendered moot by the amendment, the rejections and their underlying contentions are respectfully traversed.

Applicant maintains the contentions set out in Applicant's filing of 3 May 2007, to which the Examiner's attention is again respectfully directed. In the Examiner's Response to Arguments is set out at pages 2-3. The amendment herein removes controversy as to application of the reward and brings forth an additional observation with respect to Wilcox. Wilcox's rebate is not a monthly payment of the mortgage (see e.g., Claim 1). Instead, as per the title of Wilcox, the rebate is "an additional payment toward an outstanding loan principle..." Thus to apply the foregoing in an exemplary manner, there being no cited art that teaches Applicant's a monthly payment of the mortgage, wherein some of the reward is applied to interest of the mortgage as per claim 1, statutory anticipation has not been shown. All claims rejected based on the insufficient showing of anticipation also are not *prima facie* obvious.

Though the wording differs from one independent claim to another independent claim, the foregoing observation is applicable when consideration is given to each independent claim as a whole, and then to the claims dependent thereon. Accordingly, the Examiner's attention is respectfully drawn to each of the independent claims: 1, 25, 28, 30, 31, 32, 47, 48, and 49. The primary reference of Wilcox is deficient in meeting the claim limitations for each of these claims, either for anticipation, or in a *prima facie* obviousness manner because, to reach Applicant's claim limitations would require contradicting Wilcox's teaching.

In sum the rejection is respectfully traversed and reconsideration is requested.

The rejection is improper because:

- (1) all claim requirements have not been shown in the cited art (e.g., no teaching of the claimed reward in connection with monthly payment in the context of the claims as a whole, and thus no combination of the cited art can show that each claim as a whole was anticipated or obvious;
- (2) the contended combination of teachings to reach the claimed invention would render the cited art inoperable for their respective purposes, e.g., by contradicting Wilcox;
- (3) the contended combination of teachings to reach the claimed invention would change the principles of operation of the devices shown in the respective cited art e.g., by contradicting Wilcox; and
- (4) no motivation or suggestion has been shown in the cited art that, as of the date of the instant application, would have prompted one skilled in the art to make the combination to reach the claimed invention.

If allowance is not forthcoming, Applicant also notes that the Office Action characterizations of the cited teachings often do not comport with what is literally disclosed by the references, the cited reasons to combine have not been shown to predate Applicant's filing date, and with respect to matters for which official notice or the like (as to what was known in the art) is contended, Applicant respectfully disputes the contentions and requires a reference or declaration.

However, the application, as amended, is believed to be in condition for allowance, and favorable action is requested.

The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235, and

if any extension of time is needed to reply to said office action, this shall be deemed a petition therefor.

If the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'PK Trzyna', followed by a horizontal line.

Date: October 23, 2007

Peter K. Trzyna
(Reg. No. 32,601)
(Customer No. 28710)

P.O. Box 7131
Chicago, IL 60680-7131
(312) 240-0824